

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.2209 of 2021

1.Vijaya Kumar
2.Anbalagan

...Petitioners

Vs.

State by its
Inspector of Police,
Dusi Police Station,
Dusi, Thiruvannamalai District.
Crime No.51 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of arrest in Crime No.51 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.G.Senthil Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 324 and 506(ii) of IPC in Crime No.51 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to wordy quarrel, the petitioners said to have attacked the *de facto* complainant with wooden riper and caused injuries to her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that there was a quarrel between the petitioners and the *de facto* complainant family, due to which, a false case has been foisted against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to wordy quarrel, the petitioners attacked the *de facto* complainant with wooden riper and thereby, caused injuries to

her. He would further submit that the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also the fact that due to wordy quarrel, the occurrence had happened, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Cheyyar, Thiruvannamalai District**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

10.02.2021

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To

1. The Judicial Magistrate,
Cheyyar, Thiruvannamalai District.
2. The Inspector of Police,
Dusi Police Station,
Dusi, Thiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.

V.BHARATHIDASAN,J

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